

Amendments to the Claims:

The listing of claims below will replace all prior versions and listings of claims in this application.

Listing of Claims:

1. (Currently Amended) A method of determining network conditions, the method comprising:

determining a first time associated with receipt of a first data packet;
determining a second time associated with receipt of a second data packet sent immediately after the first data packet;
determining a size of the second data packet; and
calculating a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times, wherein the function of the difference between the first and second times is the time interval between the first and second times plus a correction factor selected as a function of the size of the second data packet.

2. (Previously Presented) The method of claim 1, further comprising:
reading a header in the first data packet, wherein the header includes data indicating the second data packet will be transmitted immediately after transmission of the first data packet to make the first and second data packets back-to-back data packets.

3. (Previously Presented) The method of claim 1, additionally comprising reporting to a server computer the transmission bandwidth.

4. (Previously Presented) The method of claim 1, wherein the data packets are two of a plurality of data packets that collectively comprise a portion of a media presentation rendered to a user.

5. (Canceled).

6. (Currently Amended) A transmission bandwidth detector for determining a bandwidth in data communication, the transmission bandwidth detector configured to:

determine a first time associated with receipt of a first data packet;
determine a second time associated with receipt of a second data packet sent immediately after the first data packet;
determine a size of the second data packet; and
calculate a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times, wherein the function of the difference between the first and second times is the time interval between the first and second times plus a correction factor selected as a function of the size of the second data packet.

7. (Previously Presented) The transmission bandwidth detector of claim 6, wherein the transmission bandwidth detector includes computer instructions on a computer readable medium configured to be executed by a computer.

8. (Previously Presented) The transmission bandwidth detector of claim 6, wherein the transmission bandwidth detector is configured to report the transmission bandwidth to a server computer.

9. (Previously Presented) The transmission bandwidth detector of claim 6, wherein the data packets are two of a plurality of data packets that collectively provide a streaming media presentation.

10. (Canceled).

11. (Previously Presented) The transmission bandwidth detector of claim 6, wherein the transmission bandwidth detector is further configured to read a header in the first data packet, wherein the header includes data indicating the second data packet will be transmitted immediately after transmission of the first data packet to make the first and second data packets back-to-back data packets.

12. (Currently Amended) ~~The transmission bandwidth detector of claim 6~~ A transmission bandwidth detector for determining a bandwidth in data communication, the transmission bandwidth detector configured to:

determine a first time associated with receipt of a first data packet;

determine a second time associated with receipt of a second data packet sent immediately after the first data packet;
determine a size of the second data packet; and
calculate a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times, wherein the function of the difference between the first and second times comprises a time interval between receipt of the first data packet and the second data packets plus a correction factor selected to compensate for an impreciseness of time obtained from an operating system.

13. (Previously Presented) The transmission bandwidth detector of claim 12, wherein the correction factor selected to compensate for the impreciseness of time is one of at least two time durations selected as a function of the size of the second data packet.

14. (Previously Presented) The transmission bandwidth detector of claim 13, wherein the correction factor is 60 milliseconds if the size of the second data packet is less than or equal to 500 bytes or 40 milliseconds if the size of the second data packet is greater than 500 bytes.

15. (Canceled)

16. (Currently Amended) A system comprising:
a computer comprising:

a packet receiver operable to receive data packets via a network;
and
a transmission bandwidth detector operable to:
determine a first time corresponding to receipt of a first data packet;
determine a second time corresponding to receipt of a second data packet sent immediately after the first data packet;
determine a size of the second data packet; and calculate a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times, wherein the function of the difference between the first and second times is the time interval between the first and second times plus a correction factor selected as a function of the size of the second data packet.

17. (Previously Presented) The system of claim 16, wherein the transmission bandwidth detector is configured to report the transmission bandwidth to a server.

18. (Previously Presented) The system of claim 16, wherein the first and second data packets are two of a plurality of data packets that collectively provide a streaming media presentation.

19. (Previously Presented) The system of claim 16, further comprising:
a modem for receiving the data packets.

20. (Currently Amended) A non-transitory computer readable storage medium storing a program that, when executed by a computer, causes the computer to:
determine a first time associated with receipt of a first data packet;
determine a second time associated with receipt of a second data packet sent immediately after the first data packet;
determine a size of the second data packet; and
calculate a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times, wherein the function of the difference between the first and second times is the time interval between the first and second times plus a correction factor selected as a function of the size of the second data packet.

21. (Previously Presented) The computer readable storage medium of claim 20, wherein the program, when executed by the computer, causes the computer to:
report the transmission bandwidth to a server computer.

22. (Previously Presented) The computer readable storage medium of claim 20, wherein the data packets are two of a plurality of data packets that collectively provide a streaming media presentation.

23. (Canceled).

24. (Previously Presented) The computer readable storage medium of claim 20, wherein the program, when executed by the computer, causes the computer to read a header in the first data packet, wherein the header includes data indicating the second data packet will be transmitted immediately after transmission of the first data packet to make the first and second data packets back-to-back data packets.

25-52. (Canceled)

53. (Currently Amended) A method of determining network conditions, the method comprising:

determining a first time associated with receipt of a first data packet;

determining a second time associated with receipt of a second data packet sent immediately after the first data packet;

determining a size of the second data packet; and

calculating a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times~~The method of claim 1, wherein the function of the difference between the first and second times comprises a time interval between receipt of the first data packet and the second data packets plus a correction factor selected to compensate for an impreciseness of time obtained from an operating system.~~

54. (Previously Presented) The method of claim 53, wherein the correction factor selected to compensate for the impreciseness of time is one of at least two time durations selected as a function of the size of the second data packet.

55. (Previously Presented) The method of claim 54, wherein the correction factor is 60 milliseconds if the size of the second data packet is less than or equal to 500 bytes or 40 milliseconds if the size of the second data packet is greater than 500 bytes.

56. (Canceled).

57. (Previously Presented) The system of claim 16, wherein the transmission bandwidth detector is further configured to read a header in the first data packet, wherein the

header includes data indicating the second data packet will be sent immediately after sending the first data packet.

58. (Previously Presented) The system of claim 16, wherein the first and second data packets are back-to-back data packets.

59. (Previously Presented) The system of claim 16, wherein the function of the difference between the first and second times includes a length of time between receipt of the first data packet and receipt of the second data packet.

60. (Currently Amended) A system comprising:
a computer comprising:
a packet receiver operable to receive data packets via a network;
and
a transmission bandwidth detector operable to:
determine a first time corresponding to receipt of a first data packet;
determine a second time corresponding to receipt of a second data packet sent
immediately after the first data packet;
determine a size of the second data packet; and calculate a transmission
bandwidth by dividing the size of the second data packet by a function of a difference
between the first and second times
The system of claim 16, wherein the function of the difference between the first and second times includes a correction factor selected to compensate for impreciseness of the first and second times obtained ~~reported~~ by an operating system.

61. (Currently Amended) The system of claim 60[[16]], wherein the function of the difference between the first and second times includes a length of time duration between receipt of the first data packet and the second data packet, plus [[a]] the correction factor further selected to compensate for impreciseness of time ~~obtained~~ reported from an operating system.

62. (Previously Presented) The system of claim 61, wherein the correction factor is one of at least two time durations selected as a function of the size of the second data packet.

63. (Previously Presented) The system of claim 62, wherein the correction factor is 60 milliseconds if the size of the second data packet is less than or equal to 500 bytes, or 40 milliseconds if the size of the second data packet is greater than 500 bytes.

64. (Currently Amended) A non-transitory computer readable storage medium storing a program that, when executed by a computer, causes the computer to:
determine a first time associated with receipt of a first data packet;
determine a second time associated with receipt of a second data packet sent immediately after the first data packet;
determine a size of the second data packet; and
calculate a transmission bandwidth by dividing the size of the second data packet by a function of a difference between the first and second times.~~The computer readable storage medium of claim 20,~~ wherein the function of the difference between the first and second times comprises a time interval between receipt of the first data packet and the second data packets plus a correction factor selected to compensate for an impreciseness of time obtained from an operating system.

65. (Previously Presented) The computer readable storage medium of claim 64, wherein the correction factor selected to compensate for the impreciseness of time is one of at least two time durations selected as a function of the size of the second data packet.

66. (Previously Presented) The computer readable storage medium of claim 65, wherein the correction factor is 60 milliseconds if the size of the second data packet is less than or equal to 500 bytes or 40 milliseconds if the size of the second data packet is greater than 500 bytes.